S683-5

Calendar No. 654

101ST CONGRESS
2d Session

SENATE

REPORT
101-340

ESTABLISHING A SENIOR EXECUTIVE SERVICE IN THE LIBRARY OF CONGRESS

JUNE 27 (legislative day, JUNE 11), 1990.—Ordered to be printed

---

Mr. FORD, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S. 2472]

The Committee on Rules and Administration, having considered S. 2472, a bill to establish a Senior Executive Service in the Library of Congress, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE BILL

The bill would authorize the Library of Congress to establish and promulgate regulations for a Library of Congress Senior Executive Service ("SES"). Such regulations would provide that the administration of the SES, the positions established thereunder, the rates of basic pay, the performance appraisal system, the ranking of officers and employees and performance awards paid to them, would all be consistent with the relevant sections of Title 5, United States Code.

The bill would permit the Librarian of Congress to remove officers and employees from the Senior Executive Service. It would also permit the Librarian to apply other sections of Title 5 to SES officers and employees or applicants for such positions.

In addition, S. 2472 would authorize the appropriation of sums necessary to carry out the provisions of the Act for fiscal year 1991 and succeeding fiscal years.

BACKGROUND

In 1978 a Senior Executive Service was established for the executive branch of government. Since that time other government enti-

ties have created their own Senior Executive Service, and the Library of Congress, with 4,800 employees and a budget of nearly $300 million, is one of the few not yet covered by an SES.

The Librarian of Congress, Dr. James H. Billington, has recently reviewed the major responsibilities of the Library of Congress and the direction it must take to achieve its goals for the next decade. He believes that skilled senior managers are essential to carry out the complex programs that are mandated by the Congress and that only by adopting a Senior Executive Service will the Library become competitive with other agencies of government in its efforts to recruit talented managers. Dr. Billington's letter to the Chairman of the Committee on Rules and Administration is set forth below.

THE LIBRARIAN OF CONGRESS,
Washington, DC, June 5, 1990.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, DC.

DEAR SENATOR FORD: This is in response to your request for my comment on S. 2472, a bill to establish a Senior Executive Service (SES) in the Library of Congress. This legislation is long overdue, is a matter of equity, and is essential if the Library of Congress is to maintain a senior management team that can efficiently and ably direct the Library's highly diverse and complex programs that are mandated by the Congress. As you know, the Senior Executive Service for the executive branch of government was established in 1978 to create a cadre of managers to ensure that management of the government was responsive to the needs, policies, and goals of the nation. The General Accounting Office received authority to create a Senior Executive Service in 1980 and the Federal Bureau of Investigation and the Drug Enforcement Administration Senior Executive Service was established by law in 1988. The Library of Congress is one of only several government entities that is not covered by a Senior Executive Service.

The Library of Congress has 4,800 employees and a budget of nearly $300 million. Without an SES we are unable to compete for managers with other government agencies or with the research and academic communities. The inclusion of the Library of Congress in the SES will give us the flexibility and the accountability needed in today's working environment. Currently the Library of Congress (exclusive of the Congressional Research Service) has, by law, 44 supergrade positions and eight P.L. 313 positions. Similar allocations to the executive branch were superseded by the SES. The current complement of supergrades is not adequate to manage the Library. Moreover, the gap between compensation for SES positions and supergrade positions makes the Library non-competitive with other agencies of government and does not recognize adequately the managerial responsibilities of the Library of Congress.

It is particularly appropriate that I address the issue of a Senior Executive Service for Library of Congress managers at this time because, as you know, I have concluded a review of where the Library of Congress should be heading in the year 2000. This review resulted in one overriding conclusion—that a radically different

concept of operations and management philosophy are necessary for the Library to carry out its mission successfully in the changing environment of the 1990's. We have moved to a new structure, defined by values and driven by our mission. The adoption of a Senior Executive Service will allow me to set in place a senior management system with a maximum distribution of responsibility, authority, and accountability. Each manager will be governed by a performance appraisal system that will provide a documented record of management expectations and accomplishments.

To manage in a time of budgetary restraint and to achieve across the board economies and efficiencies requires the most skillful managers. These managers need not only subject experience but also the ability to direct programs using the most sophisticated of technologies. Without increased application of automation the Library would not have been able to serve its various publics during the last decade in a period of very low budget growth and actual retrenchment.

The Library is a partner in the Capitol Hill automated network. The maintenance and application of new technologies will require additional senior managers possessing multiple skills in managing and processing information for the Congress and the American people. It has been my intention to exploit the unparalleled resources of the Library of Congress for the advantage of all of our citizens by bringing the active resources of this institution into the state and local municipalities. This is possible using new technologies.

It is important to enumerate some of the major responsibilities of the Library of Congress and of its senior managers.

The Library of Congress has assembled in its Capitol Hill buildings a universal collection of human knowledge, information and expression, and provides cataloging information in automated form in over 400 languages to libraries around the world. In an age in which 50 percent of the gross national product relates to knowledge production, this country's ability to govern itself and to compete in the world market is dependent upon information gathered from every corner of the globe. It is the only library in the world that has this capability to acquire and catalog books, learned publications, government publications, scientific and technical information, maps, atlases, etc. from all countries. To administer an international acquisition and cataloging program of this scope requires talented managers. The enactment of an SES will help us to compete with other bibliographic utilities and research institutions whose staffs are compensated at much higher rates. For example, the 1989 Annual Salary Survey issued by the 119-member Association of Research Libraries reports that over 156 university librarians are compensated at a rate of pay in excess of $75,000. University librarians also receive tuition assistance for dependents and paid sabbaticals—benefits not available to Library managers.

In scholarly circles, the Library's senior managers who direct subject and area divisions are among the best known scholars in this nation. Earlier in the Library's history these managers received compensation from Library gift and trust funds in addition to their government salary. This was precluded by law in 1971. The Library's collections of Russian, Japanese, Chinese, African, and

Hispanic books, journals, and other literature are the most prestigious in the world and are unequaled at any major university in this country. Our special collections of maps, manuscripts, rate books, prints and photographs, and motion pictures are unique in this nation. In recent years recruitment of area and subject specialists has been severely hampered by the Library's inability to compete with salaries and other benefits offered by universities and major research institutions across the country, to say nothing of the high cost of living in the Washington, D.C. area. The Library has experienced a high turnover in its subject and area divisions because of our inability to compete with the academic community for this talent. I believe that the flexibility of the SES to allow for sabbaticals and for short term appointments would be a real plus for the Library in recruiting the scholars we need to direct our programs.

In the area of international law, Library of Congress legal specialists provide the Congress, the executive branch, the bench and the bar in-depth analysis of the laws of other countries and their relation to U.S. law, international cooperation, economic policy, immigration, and trade policy. The Library's recently appointed Law Librarian took a significant salary reduction to accept this position.

Another area in which the Library of Congress has excelled is in paper preservation. Millions of books, manuscripts, photographs, maps and charts collected by research institutions and archives across the country face extinction if the means of preserving them are not made available to archival and library administrators. Since 1970, Library of Congress scientists and paper conservators have directed their attention to research and testing to find a solution to deteriorating paper. The Library has patented a process of mass deacidification which holds a promise to extend the life of books, manuscripts, maps, etc. for 400–500 years. This patent is now available for licensing through the U.S. Department of Commerce. The Library continues to study other means of preservation. The Library's preservation specialists have provided national and international leadership in the preservation and conservation of library and archival collections. Recently, specialists from the Library of Congress were called to Russia to advise on ways to reclaim the badly burned collections of the Academy of Sciences Library in Leningrad, to cite only one example. To be able to recruit senior manager/scientists with expertise in paper preservation is a must if we are to keep abreast of a problem that is of national importance. A recent nationwide search for a new director of the Library's preservation programs points to the inadequacy of Library salaries to attract a wide number of candidates.

The National Library Service for the Blind and Physically Handicapped in the Library of Congress provides over 20 million items—books in braille, on disks, and on tape—to over 700,000 readers through a national network of 149 regional and subregional libraries on an annual basis. The National Library Service has pioneered in developing long-play records and disks, microprocessing techniques for cassette machines, and high speed paper embossers for the production of braille. We need talented managers for this program.

The senior staff of the Library's Copyright Office has the principal U.S. responsibility for copyright legislation, rulemaking, and

international copyright relations. The administration of the Copyright Office requires knowledgeable managers with technical expertise and management skills to supervise over 500 employees, 600,000 annual copyright claims, and the administration of five compulsory licenses, receiving royalty payments in excess of $140 million annually.

I cannot emphasize enough the importance of the Library of Congress having a personnel system for its senior executives that provides the flexibility needed to manage the largest intellectual resource of the government and, in fact, of the world. A Senior Executive Service will also assist me in my efforts to recruit qualified minorities for positions within the Library. In an age of information it is essential for the effectiveness of our Congress, and the judicial and executive branches of government to have the best information from all over the world available to make informed and intelligent decisions.

I urge that your Committee approve this legislation.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.

COMMITTEE ACTION

On June 13, 1990, the Committee on Rules and Administration held a markup on S. 2472, to establish a Senior Executive Service in the Library of Congress. It was passed by a record vote of 9–0 and was ordered favorably reported by the Committee.

COMMITTEE ROLLCALL VOTE

In compliance with paragraph 7 (b) and (c) of rule XXVI of the Standing Rules of the Senate, the record of the rollcall vote in the Committee on Rules and Administration during its consideration of this measure was:

YEAS—9	NAYS—0
Mr. Pell	
Mr. DeConcini	
Mr. Moynihan	
Mr. Stevens	
Mr. Hatfield	
Mr. Dole	
Mr. Garn	
Mr. McConnell	
Mr. Ford	

The Chairman presented the proxies of Mr. Byrd, Mr. Inouye, Mr. Gore, and Mr. Dodd in favor of the bill.

COST ESTIMATE

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the estimate of costs of this measure prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act, is as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2472.

2. Bill title: Library of Congress Senior Executive Service Act of 1990.

3. Bill status: As ordered reported by the Senate Committee on Rules and Administration on June 13, 1990.

4. Bill purpose: This bill would establish a Senior Executive Service in the Library of Congress.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1991	1992	1993	1994	1995
Authorization level	1.8	2.4	2.6	2.9	3.4
Estimated total outlays	1.5	2.2	2.5	2.8	3.3

The costs of this bill fall in Function 500.

Basis of estimate: S. 2472 would establish a Senior Executive Service (SES) at the Library of Congress. The cost estimate is based on information from the staff of the agency and assumes an October 1, 1990 implementation date. Pay of an estimated 54 employees would be increased as a result of the conversion to the SES by $1.8 million in 1991. The costs shown in the table for 1991 represent the cost to convert to the current SES salary levels and the additional cost for three quarters of the fiscal year at the new SES pay scale assumed to begin on January 1, 1991. All following years costs represent full year costs with 1991 pay levels increased for projected inflation.

The estimates assume that the Executive pay raise approved for January 1, 1991 in P.L. 101-194, the Government Ethics Reform Act of 1989, would affect the salaries of these people. While CBO cannot predict precisely how the President will apply this increase to the SES, our estimate assumes that SES pay scale will increase by an average 21 percent in 1991 because of this act. Our estimate also assumes that SES pay will increase by an additional 3.6 percent for the government-wide pay raise assumed in the budget resolution assumed to be effective January 1, 1991. Estimated total outlays assume full appropriation of authorized levels and reflect current salary and spending patterns of each agency.

6. Estimated cost to State and local government: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Diane Celuch.

10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee does not consider that passage of S. 2472 would have any regulatory impact.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported by the Committee on Rules and Administration, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

GOVERNMENT ORGANIZATION AND EMPLOYEES

§ 2108. Veteran; disabled veteran; preference eligible

For the purpose of this title—

* * * * * * *

(3) "preference eligible" means, except as provided in paragraph (4) of this section—

(A) a veteran as defined by paragraph (1)(A) of this section;

(B) a veteran as defined by paragraph (1)(B) of this section;

(C) a disabled veteran;

(D) the unmarried widow or widower of a veteran as defined by paragraph (1)(A) of this section;

(E) the wife or husband of a service-connected disabled veteran if the veteran has been unable to qualify for any appointment in the civil service or in the government of the District of Columbia;

(F) the mother of an individual who lost his life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

(i) her husband is totally and permanently disabled;

(ii) she is widowed, divorced, or separated from the father and has not remarried; or

(iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed; and

(G) the mother of a service-connected permanently and totally disabled veteran, if—

(i) her husband is totally and permanently disabled;

(ii) she is widowed, divorced, or separated from the father and has not remarried; or

(iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed;

but does not include applicants for, or members of, the Senior Executive Service, the Defense Intelligence Senior Executive Service, the Senior Cryptologic Executive Service, the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, [or the General Accounting Office;]

the General Accounting Office, or the Library of Congress Senior Executive Service;

(4) except for the purposes of chapters 43 and 75 of this title, "preference eligible" does not include a retired member of the armed forces unless—

(A) the individual is a disabled veteran; or

(B) the individual retired below the rank of major or its equivalent; and

* * * * * * *

§ 5342. Definitions; application

(a) For the purposes of this subchapter—

(1) "agency" means an Executive agency; but does not include—

(A) a Government controlled corporation;

(B) the Tennessee Valley Authority;

(C) the Virgin Islands Corporation;

(D) the Atomic Energy Commission;

(E) the Central Intelligence Agency;

(F) the Panama Canal Commission;

(G) the National Security Agency, Department of Defense;

(H) the Bureau of Engraving and Printing, except for the purposes of section 5349 of this title;

(I) the General Accounting Office; [or]

(K) the Defense Intelligence Agency, Department of Defense; *or*

(L) the Library of Congress;

* * * * * * *

○